

C2 46 (Once Amended). An apparatus for ~~the~~ telephonic distribution of electronic coupon data to a [specific] storage device, said apparatus comprising:

- a. an insertion port for receiving a coupon storage device;
- b. a modem for telephonically receiving electronic coupon data;
- c. a microprocessor controlling the receipt and transfer of electronic coupon data; [and]
- d. a random access memory interacting with said microprocessor; and
- e. a telephonic subcomponent including a telephone keypad.

C3 49 (Once Amended) An apparatus according to claim 48, wherein said telephone subcomponent includes [a telephone keypad and] a speaker.

C4 --53. A system combining an electronic coupon card with an adapter for transferring coupon data from ~~another~~ ^{or} computer to said coupon card, said system comprising:

- a. an electronic coupon card having a microprocessor and circuitry for receiving and storing coupons;
- b. an adapter having:
 - i. an adapter body configured to receive and align receiving elements of said coupon card with transmitting elements of said adapter body;
 - ii. a reader operatively connected to said adapter body and allowing said adapter to receive coupon data from ~~another~~ ^{the} computer; and
 - iii. a processor for receiving coupon data from said reader and transferring said coupon data to said coupon card for storage thereon.—

REMARKS

In the 08/15/00 Office Action, all claims were rejected as either anticipated by U.S. Patent No. 5,250,789 to Johnsen or as being obvious in view of U.S. Patent 5,424,524 to Ruppert. In view of the above amendments and for the reasons which follow, applicant requests reconsideration of

these rejections.

1) Claim 43

As required by the Examiner, applicant has changed the phrase "capable of" in claim 43 to --for--. The Examiner also rejected claim 43 as being anticipated by Johnsen. Johnsen discloses what is in essence a PC mounted on a shopping cart. As best applicant understands the rejection, the Examiner is considering the entire Johnsen shopping cart computer to be the claimed adapter.

Applicant has amended claim 43 to further include the element of an adapter body sized to be inserted into a disk drive. Support for this element is found in the specification at page 40, lines 8-10. This element clearly distinguishes claim 43 from anything disclosed in Johnsen. The only thing Johnsen discloses as being sized to be inserted into a disk drive is the floppy disk 68. Certainly the Johnsen floppy disk is not a body having a reader head, a memory, a transmitter, and a processor. Nothing in Johnsen even remotely suggests combining these elements into an object which can be inserted into a disk drive. Therefore, there can be no question that Johnsen neither anticipates or suggests the adapter recited in amended claim 43. Applicant requests the rejection based upon Johnsen be withdrawn.

2) Claim 53

Applicant has also added new claim 53 which recites a combination of an electronic coupon card and an adapter. For similar reasons as stated above, nothing in Johnsen discloses a coupon card as recited in claim 53. Namely, the Johnsen floppy disk 68 cannot be considered a coupon card because the floppy disk does not have a microprocessor. Nor can it be argued that Johnsen anticipates or suggests claim 53 by considering the Johnsen PC be the coupon card. If the Johnsen PC is the coupon card, then there is no structure which may be considered an adapter, much less an adapter with an insertion port sized to receive the coupon card. Therefore, claim 53 is clearly

allowable over Johnsen.

3) Claim 46.

Claim 46 was also rejected as being anticipated by Johnsen. Claim 46 has now been amended to include a telephone subcomponent, including a telephone keypad. In rejecting claim 46, the Examiner did not explicitly note that Johnsen included a modem as recited in claim 46. Applicant submits that nothing concerning the Johnsen shopping cart PC discloses or suggests utilizing a modem. However, figure 4 of Johnsen does disclose using a modem in conjunction with the Johnsen store central computer 62. Nevertheless, Johnsen's central computer 62 has nothing to do with telephone subcomponents. Johnsen only discloses users interacting with the central computer 62 through some type of computer dial-up connections. Certainly there is no disclosure of a telephone subcomponent with a telephone keypad. Nor is there any motivation for combining a telephone subcomponent with any element found in Johnsen. The Johnsen central computer is intended for communication with a home computer. Applicant does not see how the Johnsen central computer could possibly function as intended if it communicated with a telephone rather than another computer. Applicant submits that the Examiner has not found and cannot find any suggestion for combining Johnsen with a telephone subcomponent or telephone keypad.

4) Claim 25.

The Examiner further rejected claim 25 as being obvious over Ruppert in view of applicant's disclosure. Applicant respectfully submits there are two reasons why this rejection is erroneous. First, the Examiner indicated that Ruppert disclosed broadcasting coupon data to a specific storage device wherein the signal is modified to be received by a specific storage device. While it is true that Ruppert discloses broadcasting price lists by infrared transmitter, it is demonstrably false that Ruppert modifies the signal to be received by a specific storage device. The purpose of the Ruppert

infrared transmitter is to transmit to all customers entering the store (with a Johnsen scanner 22) what the store's current price list is. There is absolutely no indication in Ruppert that the infrared signal is modified to be received by a specific storage device (i.e. received by one scanner 22 but not another). Indeed, this would be contrary to the purpose of the Ruppert system. Ruppert desires to transmit the store's price list to all customers with scanners 22 as efficiently as possible. Therefore, Ruppert would desire to send a single signal and to have all personal scanner devices be uniformly configured to receive that single signal. There is no reason for Ruppert to squander limited infrared bandwidth in trying to send the same pricing information over different infrared frequencies or in different coding formats. Clearly Ruppert does not disclose or suggest modifying the signal to be received by a specific storage device.

Second, the Examiner admitted that Ruppert does not fairly suggest utilizing a radio broadcast. However, the Examiner believed that "the infrared transceiver is an alternate and a functional equivalent communication means for communicating the data as disclosed by applicant (see page 12 of the specification)." Applicant has review page 12 of the application and fails to see how this section of his disclosure suggests that infrared and radio communications are functionally equivalent. Applicant does not believe word "radio" is even mentioned on page 12. If applicant has missed the Examiner's point, applicant requests further clarification on this point of rejection.

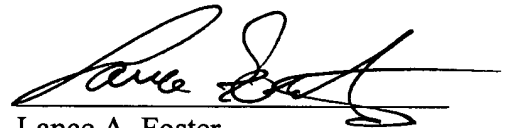
More importantly, it is obvious that infrared communication is not functionally equivalent to radio communication, particularly in the manner used by applicant. Infrared transmissions typically may have a range measured in tens, or at best, hundreds of yards. On the other hand, radio communications can be over tens or even hundreds of miles. Applicant's purpose in using radio communications is to transmit coupon information to paging devices quite distant (across an entire city, state or region) from the transmitter. This is something which could not be done successfully

using infrared transmissions. Applicant is unaware of any type of long distance paging system which has been implemented using infrared transmission. Therefore, infrared transmission cannot be properly considered the equivalent of radio transmissions which do in fact implement such long distance paging systems.

For the above reasons, applicant submits that it is clear that Ruppert fails to disclose or suggest 1) modifying a signal to be received by a specific storage device, or 2) utilizing radio transmissions to transmit the signal to the storage device. Claim 25 is thus patentable over the prior art cited by the Examiner. Applicant further submits that the amendments previously discussed likewise render claims 43, 46, and 53 patentable over the cited prior art. Applicant believes that all claims in the present application are now in a condition for allowance.

Respectfully submitted:

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this 13th day of February, 2001.

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